

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Robert Lonnell Smith, Jr.,

Plaintiff

v.

Washoe County, et al.,

Defendants

Case No. 2:23-cv-01183-CDS-DJA

**Order Granting in Part Plaintiff's Motion to  
Extend Time to File Response**

[ECF No. 52]

Plaintiff Robert Lonnell Smith, Jr. moves to extend the time to file a response to defendants Washoe County, Darin Balaam, Peter Sewell, Mark Kester, Sgt. Jenkins, Andrew Barrett-Venn, Darrin Rice, and Devonte German's motion to dismiss. Mot., ECF No. 52. Smith seeks a ninety-day extension, which would move the response deadline from February 13, 2025, to May 13, 2025, because he has not had access to the law library. *Id.* For that reason, Smith's motion is granted in part. Smith is granted forty-five days to file any opposition to the motion to dismiss; therefore, the deadline is extended to March 28, 2025. The reply is due by April 4, 2025.

In his motion requesting the extension, Smith also requests the appointment of counsel. ECF No. 52 at 2. Smith argues that counsel is necessary due to his highly limited access to the law library and because his claim is highly complex. *Id.* Because Smith's motion violates the local rules, I do not address it here. *See* LR IC 2-2(b) (requiring that a separate document be filed for each type of relief requested or purpose of the document). However, Smith is reminded that the court will appoint counsel for indigent civil litigants only in "exceptional circumstances." *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). Circumstances common to most prisoners, such as lack of legal education and limited law library access, do not establish exceptional circumstances that warrant a request for voluntary assistance of counsel. If Smith chooses to file

1 a motion for the appointment of counsel, he must meet the burden of demonstrating exceptional  
2 circumstances and whether such appointment is warranted in this lawsuit.

3 **Conclusion**

4 IT IS THEREFORE ORDERED that Smith's motion requesting an extension of time to  
5 respond [ECF No. 52] is **GRANTED in part**, as set forth in this order. His deadline to respond  
6 to the motion to dismiss is extended to March 28, 2025. Any reply is due by April 4, 2025.

7 Dated: February 24, 2025

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9 Cristina D. Silva  
10 United States District Judge  
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